



1-1405

BAC
Ifu

BEST AVAILABLE COPY

Attorney Docket No. 13647.0015
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Marsan et al.)
Serial No.: 09/413,728)
Filed: 10/06/1999)
For: System and Method for Processing)
Retrieval Requests)

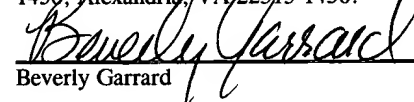
Group Art Unit: 3629

Examiner: Igor N. Borissov

MAILING CERTIFICATE UNDER 37 C.F.R. "1.8(A)

"EXPRESS MAILING" Mailing Label No.
EV521281821US. Date of Deposit: January 12, 2005.

I hereby certify that this paper is being deposited with the
U.S. Postal Service Express Mail Post Office to Addressee
Service No. 37 CFR 1.10 on the above date and is
addressed to: Commissioner for Trademarks, P.O. Box
1450, Alexandria, VA 22313-1450.


Beverly Garrard

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

UNDER 37 C.F.R. 1.181

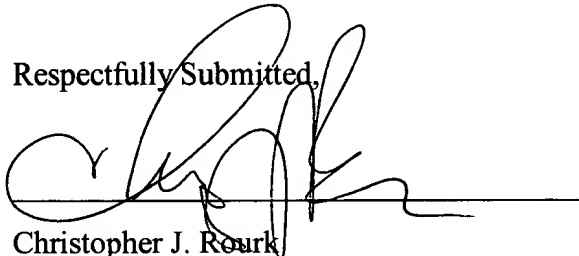
In response to the Notice of Abandonment Mailed January 7, 2005 (Paper No. 20041230), Applicants respectfully submit the enclosed copy, in triplicate, of the Appeal Brief in this matter and evidence showing that the U.S. Patent and Trademark Office received the check for the appeal fee, which was mailed with the appeal brief. Applicants note that PAIR does not show receipt of the Notice of Appeal that was filed on August 4, 2003, but that the Notice of Appeal is present in the Image File Wrapper. As such, the PTO's own internal records are inconsistent, suggesting that the process of entering this file into the Image File Wrapper system or some other problem internal to the PTO is responsible for the failure to place the Appeal Brief in the file for this matter.

Furthermore, enclosed with this petition is a copy of the check that was submitted with the appeal brief, which clearly shows that it was received and cashed by the U.S. Patent and Trademark Office. The Attorney for the Applicants has also received confirmation from the Examiner that this fee was recorded in the PTO records as having been received. While the copies of the Appeal Brief do not include a signature on the certificate of mailing, this is because a copy of the signed appeal brief was not made prior to filing. Applicants will attempt to obtain a signed affidavit from Ms. Kelly Breeze stating that the check for the Appeal Brief would not have been submitted without the Appeal Brief if one is considered to be required, and request that the Attorney of record be contacted at the number provided below if such additional evidence is required, but Applicants believe that the cancelled check and discrepancy in the PTO records is sufficient evidence to establish that the PTO lost the appeal brief. Withdrawal of the Notice of Abandonment is therefore requested.

If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Godwin Gruber, LLP, No. 50-0530.

Date: January 12, 2005

Respectfully Submitted,



Christopher J. Rourke
Reg. No. 39,348
ATTORNEY FOR APPLICANTS

GODWIN GRUBER, LLP
1201 Elm Street, Suite 1700
Dallas, TX 75270
Ph: (214) 939-8657
Fax: (214) 760-7332
Email: crouk@godwingruber.com

BEST AVAILABLE COPY

1/4/2005 3:15 PM

DOCUMENT HAS A COLORED BACKGROUND. SECURITY FEATURES LISTED ON BACK.

AKIN, GUMP, STRAUSS, HAVER & FELD, L.L.P.
DISBURSEMENT ACCOUNT
A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS
1333 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20036
(202) 887-4000

Citibank, Delaware
One Penna Way New Castle DE 19720

Check No. 81930
62-20/311

DATE 10/03/2003
AMOUNT OF CHECK
\$ 330.00

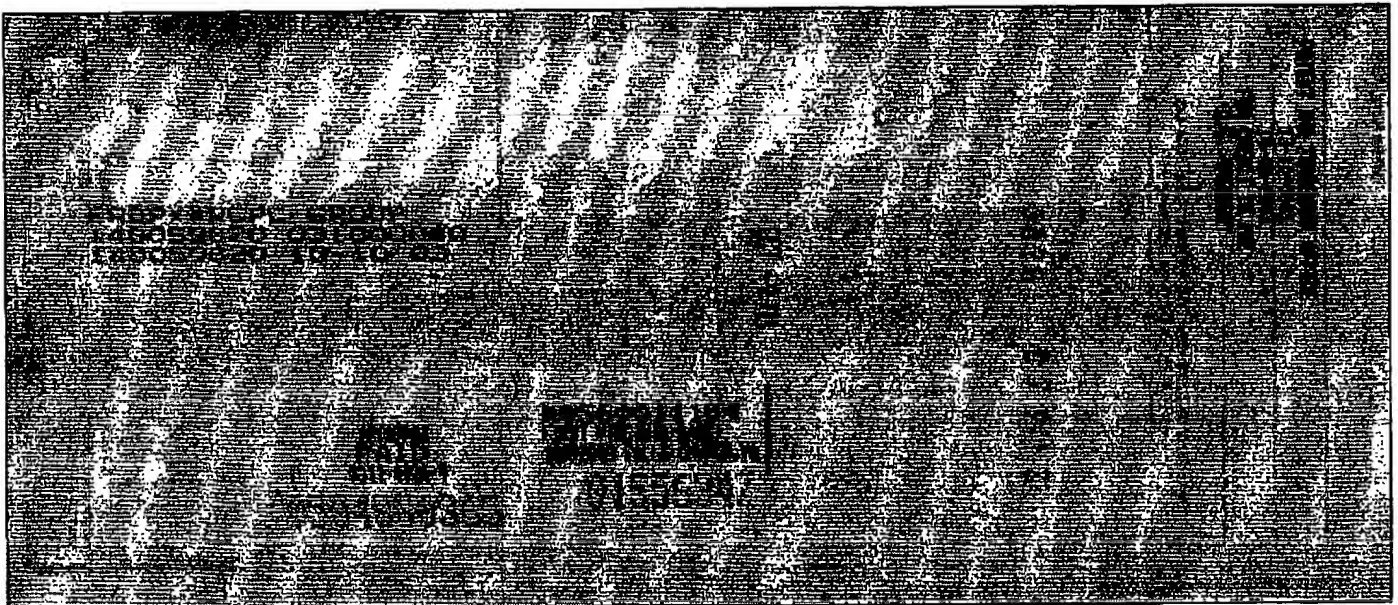
PAY THREE HUNDRED THIRTY AND 00/100 DOLLARS

VOID AFTER 6 MONTHS

TO THE ORDER OF
UNITED STATES PATENT & TRADEMARK OFFICE
COMMISSIONER OF PATENTS
P O BOX 1450
ALEXANDRIA, VA 22313

James N. Reilly
AUTHORIZED SIGNATURE

⑈081930⑈ ⑆031100209⑆ 38641612⑈ ⑆0000033000⑈



CDVolID/CIMKey
20031031062901

Account
38641612

Serial Number Amount
81930 \$330.00

Bank ID
3110020

Sequence
504830365

Location
CD

Paid Date
10/10/2003

Customer Data
[][][][][]